

REMARKS

This Amendment is filed in response to the Office Action mailed on February 11, 2009. All rejections and objections are respectfully traversed.

Claims 1, 4-5, 8-12, 14-21, 51-54, 56-57, 62, 68-70 and 73-88 are in the application.

Claims 22-50 have been withdrawn.

Request for Interview

The Applicant respectfully requests a telephonic interview with the Examiner after the Examiner has had an opportunity to consider this Amendment, but before the issuance of the next Office Action. The Applicant's undersigned attorney may be reached at 617-951-2500.

Rejection Under 35 U.S.C. §102(e)

At page 2 of the Office Action, the Examiner rejected claims 1, 4-5, 8-12, 14-21, 51-54, 56-57, 62, 68-70 and 73-88 under 35 U.S.C. §102(e) as being anticipated by Ranjan et al., U.S. Patent Application Publication No. 2002/0029193 (hereinafter "Ranjan"). Applicant respectfully traverses this rejection.

As to Claims 1, 4-5, 8-10, 19-21, 51-54, 62, 70, 73-74, 76, 79, 81, and 85-86

Applicant's claimed novel invention, as set forth in representative claim 1, comprises in part:

1. A method of securely conducting a transaction over a network, comprising:

A. receiving a telephone call over the telephone network that seeks to initiate the transaction with a target;

B. obtaining at least a telephone number defining the telephone from which the call is being placed;

C. authenticating the call by checking at least the telephone number associated with the call against telephone numbers in a database of registrants' telephone numbers; and

D. in response to at least said telephone number matching that of an entity registered in said database, performing the transaction by transferring funds from a first financial account to a second financial account.

Ranjan discloses “a fund transfer routine 600 implemented by the funding manager server 48 to ... transfer the funds from a payor to a payee.” See paragraph [0039]. Initially, Ranjan discloses, “an user account application 116 of the funding manager server 48 obtains a payor login.” See paragraph [0039] (emphasis added). Ranjan further states “a payor login may take several forms ... [including] ... [a] mobile device identifier to identify the payor ... a telephone number associated with the payor which can be automatically retrieved from the wireline or wireless telephone used to make the connection by utilizing a caller identification function...[etc.]” See paragraph [0039]. Once the funding manager server has obtained a payor login, the server obtains a funding of the payor account and a designation of a payee from the payor in the form of a telephone number. See paragraphs [0040]-[0041]. After the funds have been transferred to the payee, the payor and/or the payee “may be notified of a successful fund transfer by an immediate message via voice, HTTP, SMS, SMTP, etc.” See paragraph [0048].

Applicant respectfully urges that Ranjan is silent concerning Applicant’s claimed novel *“receiving a telephone call over the telephone network that seeks to initiate the transaction with a target that seeks to initiate the transaction with a target ... obtaining at least a telephone number defining the telephone from which the call is being placed.”*

In the past, in order to authenticate a transaction via, e.g., a telephone number, a payor would either input the associated telephone number into the telephone or physically inform the payee of the number via voice communication. Applicant’s novel technique eliminates this step by automatically obtaining the telephone number from the payor when the payee (target) receives a telephone call over the telephone network that seeks to initiate the transaction with a target. The telephone number obtained defines the telephone from which the call is being placed. This authenticates the call by checking at least the telephone number associated with the call against telephone numbers in a database of registrants’ telephone numbers. Once a match is obtained, Applicant’s technique

performs the transaction by transferring funds from a first financial account to a second financial account.

Applicant respectfully urges, however, that Ranjan fails to disclose receiving a telephone call. See paragraph [0039]. Rather, Ranjan merely states that “the funding manager server 48 obtains a payor login.” Ranjan further discloses that the payor login “may take several forms ... [including] ... [a] mobile device identifier to identify the payor ... a telephone number associated with the payor which can be automatically retrieved from the wireline or wireless telephone used to make the connection by utilizing a caller identification function...[etc.]” See paragraph [0039]. At no time in Ranjan, however, is it stated that the funding manager receives a telephone call ... to initiate a transaction and obtains at least a telephone number defining the telephone from which the call is being placed. Thus, Ranjan does not specifically state that a call is received that initiates the transaction.

Applicant submits that Ranjan’s disclosure cannot be relied upon as inherently “receives a call ... that seeks to initiate a transaction ... utilizing the telephone number associated with the call.” In relying upon the theory of inherency, a basis in fact and/or technical reasoning must be provided to reasonably support the determination that the allegedly inherent characteristic necessarily flows from the teachings of the applied art. *Ex parte Levy*, 17 USPQ2d 1461, 1464 (Bd. Pat. App. & Inter. 1990). See also, MPEP Eight Ed., Rev. 7, sec. 2112(IV). “Inherency, however, may not be established by probabilities or possibilities. The mere fact that a certain thing may result from a given set of circumstances is not sufficient.” *In re Oelrich*, 666 F.2d 578, 581 (CCPA 1981).

Ranjan merely states, “a telephone number associated with the payor which can be automatically retrieved from the wireline or wireless telephone used to make the connection by utilizing a caller identification function.” In addition, Ranjan seems to agree that there are many alternative ways for a payor to login. Ranjan states, “[alternatively, the payor may have an opportunity to enter a specific telephone number by utilizing a menu login].” Thus, Ranjan itself poses more than one way to initiate the transaction. Thus, since Ranjan fails to state specifically that the transaction was initiated by “receiving a call ... that seeks to initiate a transaction with a target” and there is more than one-

way for the server to obtain a connection, (e.g., via an internet connection, a satellite, a radio waves, etc.), it cannot be inherent that “a telephone call” is how the transaction was initiated.

Accordingly, Applicant respectfully urges that Ranjan is legally precluded from anticipating Applicant’s claimed novel invention because of the absence from Ranjan of Applicant’s claimed novel “*receiving a telephone call over the telephone network that seeks to initiate the transaction with a target that seeks to initiate the transaction with a target ... obtaining at least a telephone number defining the telephone from which the call is being placed.*”

As to Claims 11-12, 14-18, 56-57, 68-69, 75, 77-78, 80, 82-84, and 87-88

Applicant’s claimed novel invention, as set forth in representative claim 1, comprises in part:

56. A method of securely conducting transactions over a network, comprising:

A. *initiating, in response to receipt of a text message seeking to initiate a transaction, a telephone call over the telephone network;*

B. obtaining from the party to which the text message was initiated, an identifier unique to the party to which the telephone call was directed;

C. communicating said identifier to an entity that is enabled to authenticate the identifier by checking said identifier against a database of authorized users; and

D. if at least said identifier matches that of an entity that is registered in said database, performing the transaction by transferring funds from a first financial account to a second financial account using a second network.

Applicant respectfully urges that Ranjan is silent concerning Applicant’s claimed novel “*initiating, in response to receipt of a text message seeking to initiate a transaction, a telephone call over the telephone network.*”

Applicant’s novel technique initiates, in response to receipt of a text message seeking to initiate a transaction, a telephone call over the telephone network. An identi-

fier, unique to the party to which the telephone call was directed, is then obtained from the party which the text message was initiated and communicated to an entity that is enabled to authenticate the identifier by checking said identifier against a database of authorized users. If at least said identifier matches that of an entity that is registered in said database, the transaction is performed by transferring funds from a first financial account to a second financial account using a second network.

Applicant respectfully urges, however, that Ranjan fails to disclose, “initiating, in response to receipt of a text message seeking to initiate a transaction” After the funds have been transferred to the payee, the payor and/or the payee “may be notified of a successful fund transfer by an immediate message via voice, HTTP, SMS, SMTP, etc.” See paragraph [0048]. Thus, the text message in Ranjan does not initiate a transaction, but merely confirms that one has taken place.

Furthermore, Applicant submits that it cannot be relied upon that Ranjan inherently initiates, “*in response to receipt of a text message seeking to initiate a transaction, a telephone call over the telephone network.*” At no time does Ranjan specifically initiate a telephone call over a telephone network in response to receipt of a text message seeking to initiate a transaction. Therefore, Ranjan cannot inherently so because as stated above there is more than one-way to initiate a transaction with the payor.

Accordingly, Applicant respectfully urges that Ranjan is legally precluded from anticipating Applicant’s claimed novel invention because of the absence from Ranjan of Applicant’s claimed novel “*initiating, in response to receipt of a text message seeking to initiate a transaction, a telephone call over the telephone network.*”

Conclusion

All dependent claims should be allowable at least because they depend from an allowable base claim.

All claims are believed to be in condition for allowance.

Please charge any additional fee occasioned by this paper to our Deposit Account
No. 03-1237.

Respectfully submitted,

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